v. *Rochester Candy Works,* 194 N. Y. 92. The Michigan court seems the most lenient towards the employer, and where a boy under sixteen was hired contrary to statute, without even being asked his age, and with no false representations on his part, he was refused recovery for injuries to his hands and fingers, because of contributory negligence. *Beghold* v. *Auto Body Co.,* 149 Mich. 14. See also *Pequignot* v. *Germain,* 176 Mich. 659. Where there were no Child Labor statutes, but merely employers' rules against hiring infants, minors who misrepresented themselves to be adults to secure employment have been allowed to claim only that duty of care towards them that the employer would owe to an adult. *Denver & Rio Grande R. Co.* v. *Reiter,* 47 Colo. 417; *Matlock* v. *Williamsville, etc., Ry. Co.,* 198 Mo. 495.

MASTER AND SERVANT—SAFETY DEVICES—DUTY TO FURNISH.—Plaintiff, a man of less than average height, injured his hip while jumping from a box car in which he was working as an employe of the defendant. The floor of the car was about four feet and a half from the ground. Under a statute providing that a master must furnish his servant with a safe place of employment, and explaining "safe" to mean "as free from danger to the life, health, or safety of employees as the nature of the employment will reasonably permit," a jury found for the plaintiff. On appeal by the defendant, *held,* (three justices dissenting) it was within the province of the jury's discretion to find as it did, since it is possible to have ladders or steps on box cars to aid in descent. *Van de Zande* v. *Chicago & N. W. Ry. Co.* (Wis., 1919), 170 N. W. 259.

Drastic legislation and judicial ruling have been resorted to in Wisconsin to induce employers to come under that state's Workmen's Compensation Act. In *Rosholt* v. *Worden-Allen Co.,* 155 Wis. 168, BARNES, J., says, "It is evident that the legislature desired that employers generally should come under the act, and that some of its provisions were designed to make it as comfortable for them to come in as to stay out. * * *The statute in terms imposes an absolute duty on the employer to make the place of employment as free from danger as the nature of the employment will reasonably permit." In that case the employe fell and was injured while carrying planks over a runway on the roof of a building. The statute itself is a great advance in stringency over the common law rule that a master need exercise but reasonable care and skill to the end that the place where he requires his servant to perform his labor be as reasonably safe as is compatible with its nature and surroundings. *Smith* v. *Peninsular Car Works,* 60 Mich. 501; *Armour & Co.* v. *Russell,* 144 Fed. 614. The majority opinion in the principal case that the jury was justified in finding a box car to be unsafe is directly in harmony with the attitude of the same court that the employer is practically an insurer of his employe's safety. In *Kuligowski* v. *Kieckhefer Box Co.,* 160 Wis. 320, where the plaintiff injured himself while lifting boxes from a wagon to a doorway about ten feet above the ground, the jury decided that the place of employment was safe within the terms of the statute, the court, however, granted a new trial on the grounds that the verdict was perverse. It may be questioned

whether the court does not go too far in its attempts to protect employees, and there was a strong dissenting opinion in *Roshola* v. *Worden-Allen Co., supra,* as well as in the principal case.

NAVIGATION—RIPARIAN RIGHTS—EFFECT OF STATUTE.—Section 4620, Revised Statutes Missouri, 1919, provides that, "Every person who shall willfully and maliciously burn, injure or destroy any pile or raft of wood * * * or cut loose or set adrift any such raft * * * or shall cut, break, injure, sink or set adrift any boat, canoe, skiff or other vessel, being the property of another, shall be adjudged guilty of a misdemeanor". A lumber company floated a raft down a navigable stream and, having reached the point of destination in the evening, tied the raft for the night to a tree on the bank of an island owned by the defendant, president of a rival concern, although defendant had warned the company not to make such use of his property. Defendant cut loose the raft. *Held,* that defendant was guilty of a misdemeanor under the statute which plainly intended to protect commerce and "to subject the rights of riparian owners of land to the erasement of using such streams as public highways". *State* v. *Wright* (Mo., 1919), 208 S. W. 149.

Conceding that the legislative intent embraced the situation presented by the principal case,—and that contention is not beyond question,—it is by no means evident that the statute was to protect commerce by operating in the manner suggested by the decision. The opinion seems to imply that legislation had imposed a new servitude upon the riparian owner, yet such cannot be the fact, for the invasion of the latter's rights has been held to come within the constitutional inhibition against deprivation of private property without due process of law, and can be accomplished only under the power of eminent domain. *Yates* v. *Milwaukee,* 10 Wall. 497. If, on the other hand, the right of which the company took advantage existed at common law as an incident to navigation, it is difficult to see why the court found it necessary to deduce from a statute containing nothing of direct import on the subject, an inference merely declaratory of the common law. It is, however, extremely doubtful whether the privilege as here exercised by the lumber company, is to be regarded as a part of the common law of the state of Missouri. The code of continental Europe recognized little, if any, legal distinction between the use of the river bank and that of the river itself. FARNHAM, WATERS AND WATER RIGHTS, Vol. I, Sec. 143a. But the common law, as determined in England, had more regard for the riparian owner. *Ball* v. *Herbert,* 3 Term. 253. Likewise in this country, the civil law, at least in its full application, has been almost universally repudiated. *Reimold* v. *Moore,* 2 Mich. N. P. 15; *Ledyard* v. *Ten Eyck,* 36 Barb. 102; *Smith* v. *Atkins,* 110 Ky. 119; *The Magnolia* v. *Marshall,* 39 Miss. 109, (and cases cited): *Ensminger* v. *People,* 47 Ill. 384; *Weise* v. *Smith,* 3 Ore. 445. And the right of navigation in the case of navigable fresh waters, as a general rule, ceases at the water's edge. GOULD, WATERS, Sec. 99. It is hence safe to say that today in most states, including those formed from the Louisiana Territory where the civil law early prevailed under Spanish dominion, except the state of